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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,445	05/24/2000	Kenro Ohsawa	OOCL-29 (3TS-00S0338)	4723
26479	7590	01/13/2005	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			YODER III, CHRISS S	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/577,445

Applicant(s)

OHSAWA, KENRO

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/16/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-14 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 11-15, filed July 16, 2004, with respect to claims 7-14 have been fully considered and are persuasive. The rejections of claims 7-14 have been withdrawn.
2. Applicant's arguments filed July 16, 2004 with respect to claims 1-6 have been fully considered but they are not persuasive.
3. Applicant argues that the Osawa patent does not teach the claimed "tristimulus value calculation means (that) calculates the tristimulus value by using spectral reflectance data of a color chip formed from a plurality of unit color chips and color chip sensing data obtained by sensing the color chip with an input device under observation illumination light. (Emphasis added.) That is, with the invention of claim 1, the tristimulus value is determined from a color chip as illuminated by a observation illumination light, not as illuminated by an subject object illumination light or some other illumination."

However, the examiner agrees that the claim states that the "color chip sensing data obtained by sensing the color chip with an input device under observation illumination light," but also points out that there is no other light source present in the claimed system and that the light source present in the Osawa device (figure 1: Illumination A) is considered to be the observation illumination.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3 and 5-6 is rejected under 35 U.S.C. 102(e) as being anticipated by Osawa et al (US Patent # 6,549,653) for the same reasons as set forth in the last Office Action.

5. Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Osawa et al (US Patent # 6,549,653).

6. In regard to claim 4, note Osawa discloses that said input device comprises a digital camera (column 1, lines 14-15).

Allowable Subject Matter

Claims 7-14 are allowed.

The following is an examiner's statement of reasons for allowance:

1. As for claim 7, the prior art does not teach or fairly suggest the use of two imaging devices, wherein the first imaging device calculates a spectral reflectance of image data on the basis of spectral sensitivity data of said first image sensing means, spectrum data of the sensing illumination light, statistic data of a spectral reflectance of the object; and the second imaging device sensing a color chip under observation light; and **calculating tristimulus values of the object under the observation illumination light on the basis of the output spectral reflectance image data, sensed color chip image data, spectral sensitivity data of the second imaging device, color chip spectral reflectance data representing a spectral reflectance distribution of the**

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color chip, and color matching function data.

2. As for claim 11, the prior art does not teach or fairly suggest the use of two imaging devices, wherein the first imaging device calculates a spectral reflectance of image data on the basis of spectral sensitivity data of said first image sensing means, spectrum data of the sensing illumination light, statistic data of a spectral reflectance of the object; and the second imaging device sensing a color chip under observation light; and **calculating tristimulus values of the object under the observation illumination light on the basis of the output spectral reflectance image data, sensed color chip image data, spectral sensitivity data of the second imaging device, color chip spectral reflectance data representing a spectral reflectance distribution of the color chip, and color matching function data.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
January 6, 2005


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
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